

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-00-0340 LKK PAN P

vs.

ARMANDO BEJINES CORTEZ,

Movant.

ORDER

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Movant is a federal prisoner, without counsel, seeking post-conviction relief. See 28 U.S.C. § 2255. On December 13, 2005, the court found movant's motion was untimely and gave movant 30 days to demonstrate he is entitled to equitable tolling. On January 13, 2006, the court granted movant an additional 30 days. On March 6, 2006, movant filed a request for an extension of time to appeal this court's order dismissing his motion for post-conviction relief as untimely. Since the court has not dismissed movant's § 2255 application, movant has nothing to appeal at this time.

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1 Accordingly, IT IS HEREBY ORDERED that movant's March 6, 2006, motion
2 for an extension of time to appeal is denied without prejudice.

3 DATED: April 7, 2006.

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5 
6 UNITED STATES MAGISTRATE JUDGE

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